

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Gerard Barry  
Nordine Cheikh  
Ganesh Kishore

Prior Group Art Unit: 1761

Prior Application Examiner: Keith Hendricks

Serial No.:

Atty. Dkt. No.: 11899.0086.CNUS03  
(MOBT:086-3)

Confirmation No.:

Client File No.: 38-21(13512)E

Filed:

For: EXPRESSION OF FRUCTOSE 1,6  
BISPHOSPHATE ALDOLASE IN TRANSGENIC  
PLANTS

**REQUEST FOR FILING CONTINUATION APPLICATION  
UNDER 37 CFR 1.53(b)**

**BOX PATENT APPLICATION**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

EXPRESS MAIL MAILING LABEL

**EV318621860US**

NUMBER

DATE OF DEPOSIT 11-11-2003

I hereby certify that this paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Signature

*Amy K. C. 880*

This is a request for filing a continuation application under Rule 53(b) (37 CFR 1.53(b)) of co-pending prior application Serial No. 10/164,204 filed on June 6, 2002 entitled "EXPRESSION OF FRUCTOSE 1,6 BISPHOSPHATE ALDOLASE IN TRANSGENIC PLANTS".

☒ Enclosed is a true copy of the prior application as originally filed, including specification, claims, drawings, and declaration. The copy of the papers of prior application as filed which are attached are as follows:

☒ Title page; pages 1-48 of specification; pages 49-61 of sequence listing

- ☒ pages 62-64 of claims
- ☒ page 65 of abstract
- ☒ 10 page(s) of drawing; Figures 1-9
- ☒ 2 page(s) of declaration

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- ☒ The inventor(s) of the invention being claimed in this application is(are):  
Gerard Barry, Nordine Cheikh, and Ganesh Kishore.
- ☐ This application is being filed by less than all the inventors named in the parent application. In accordance with 37 CFR 1.53(b), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application:

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- ☒ Please cancel in this application claims 2-4 of the prior application before calculating the filing fee.
- ☒ Enclosed is a preliminary amendment. The fee has been calculated after the cancellation of claims in the application as filed and after amendment of claims by the preliminary amendment.
- ☒ Please amend the specification by inserting before the first line the sentence: --This application is a continuation of co-pending application Serial No. 10/164,204 filed June 6, 2002, which is a divisional of application Serial No. 09/098,219, filed June 16, 1998, which is based on U. S. Provisional Application Serial No. 60/049,955, filed June 17, 1997. --.

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CALCULATION OF FILING FEE:

The filing fee as calculated below, takes into account any cancellation of claims and the fee for any new claims added by the Preliminary Amendment referred to above.



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|  |         |     | Other than Small Entity |             |
|--|---------|-----|-------------------------|-------------|
| Total Claims                             | 20 - 20 | = 0 | x \$                    | = \$        |
| Independent Claims                       | 3 - 3   | = 0 | x \$                    | = \$        |
| First Multiply Dependent Claim Presented |         |     | + \$                    | = \$        |
| Basic Fee                                |         |     | + \$ 770.00             | = \$ 770.00 |
| TOTAL = \$ 770.00                        |         |     |                         |             |

The Commissioner is authorized to charge the above filing fee and any additional fees that may be required, or credit any overpayment, to Deposit Account No. 01-2508, Order No. 11899.0086.CNUS03. An additional copy of this sheet is enclosed for this purpose.

- ☐ Applicant is entitled to Small Entity Status for this application.
- ☐ A Statement of Small Entity Status was established in the prior application and is claimed in the present application.
- ☐ Small Entity Status is hereby claimed in this application.

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- ☒ This application is presently assigned to Monsanto Technology LLC, Reel No. 012350; Frame No. 0224.

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- ☒ The power of attorney in the prior application is from Monsanto Technology LLC.
- ☐ The Power of Attorney appears in the original papers of the prior application.
- ☒ Because the current power does not appear in the original papers, a copy of the Power of Attorney in the prior application filed on June 6, 2002 is enclosed.
- ☐ A newly executed Power of Attorney is enclosed.

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Please associate this application with and address all correspondence to:



Serial No.: to be assigned  
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Atty. Ref.: 11899.0086.CNUS03

Customer Number 23369,

HOWREY SIMON ARNOLD & WHITE LLP  
750 Bering Drive  
Houston, Texas 77057

Please address all telephone calls to: Ron J. Laby, Patent Agent, at 713 787 1400.

Please address all e-mail to: houstondocketing@howrey.com

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- ☐ The Commissioner is specifically requested to make the Information Disclosure Statement, as well as any prior art of record in the prior application(s), of record in connection with this application.
- ☒ An Information Disclosure Statement including FORM 1449 is submitted with this paper

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- ☒ Other Items: Formal Drawings (11 sheets); Sequence Listing updated to PatentIn 3.2; Computer Readable form of Sequence Listing updated to PatentIn 3.2; Statements under 37 C.F.R. 1.821 and 1.825; Associate Power of Attorney; postcard.

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The undersigned representative requests for any extension of time that may be deemed necessary to further the prosecution of this application.

The undersigned representative authorizes the Commissioner to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 01-2508, referencing Order No. 11899.0086.CNUS03.



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In order to facilitate the resolution of any issues or questions presented by this paper, Applicants respectfully request that the Examiner directly contact the undersigned by telephone to further the discussion.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Ron J. Laby".

Howrey Simon Arnold & White, LLP  
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Houston, Texas 77057-2198  
(713) 787-1400

Ron J. Laby  
Reg. No. 53,173  
AGENT FOR ASSIGNEE,  
MONSANTO TECHNOLOGY LLC

Date: Nov. 11, 2003